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DOCUMENT
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DATE FILED: 8/23/2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIO ESPINAL,

Plaintiff,

-against-

DEPARTMENT OF CORRECTIONS;
CYNTHIA BRANN; PATSY YANG;
MARGARET EGAN,

Defendants.

20-CV-10129 (VEC) (OTA)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on December 1, 2020, Plaintiff, acting *pro se*, commenced this action (Dkt. 2);

WHEREAS on January 6, 2021, Plaintiff filed an Amended Complaint (Dkt. 7);

WHEREAS on January 7, 2021, the Court ordered Plaintiff to file a Second Amended Complaint by March 7, 2021;

WHEREAS the Order dated January 7, 2021 was mailed to the only address the Court has on record for Plaintiff and was returned to the Court as “not deliverable”;

WHEREAS Plaintiff has not provided the Court with an updated address;

WHEREAS Plaintiff has failed to file a Second Amended Complaint as required by the January 7, 2021, Order or otherwise indicate whether he intends to pursue this case;

WHEREAS on July 20, 2021, the Court ordered Plaintiff to show cause why this case should not be dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) (Dkt. 11);

WHEREAS the Order dated July 20, 2021 was mailed to the only address the Court has on record for Plaintiff and was returned to the Court as “not deliverable”;


WHEREAS Plaintiff has otherwise failed to respond to the order to show cause;

IT IS HEREBY ORDERED THAT: This case is DISMISSED without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

The Clerk of Court is directed to mail this order to Plaintiff and close this case.

SO ORDERED.

Date: August 23, 2021
New York, NY



VALERIE CAPRONI
United States District Judge